



Prince George's County Council

County Administration
Building
14741 Governor Oden
Bowie Drive
Upper Marlboro,
Maryland
20772-3050

Zoning Minutes - Draft Sitting as the District Council

Todd M. Turner, Council Chair, District 4

Monique Anderson-Walker, District 8

Derrick Leon Davis, District 6

Thomas E. Dernoga, District 1

Mel Franklin, At-Large

Dannielle M. Glaros, District 3

Sydney J. Harrison, District 9

Calvin S. Hawkins, II, Vice Chair, At-Large

Jolene Ivey, District 5

Rodney C. Streeter, District 7

Deni L. Taveras, District 2

Robert J. Williams, Jr., Council Administrator

Monday, March 9, 2020

10:00 AM

Council Hearing Room

9:47 AM AGENDA BRIEFING - (ROOM 2027)

At 9:47 a.m., due to a lack of a quorum of members, a public statement was read and the Agenda Briefing was conducted as an informal discussion in lieu of a public meeting.

10:13 AM CALL TO ORDER - (COUNCIL HEARING ROOM)

Pursuant to the provisions of Section 27-132(a) of the Zoning Ordinance, the District Council meeting was convened by Council Chair Turner at 10:13 a.m. with eight members present at roll call. Council Member Anderson-Walker arrived at 10:19 a.m., Council Member Taveras arrived at 10:24 a.m., and Council Member Franklin arrived at 10:40 a.m.

Present: 11 - Council Chair Todd Turner
Council Member Monique Anderson-Walker
Council Member Derrick Davis
Council Member Thomas Dernoga
Council Member Mel Franklin
Council Member Dannielle Glaros
Council Member Sydney Harrison
Vice Chair Calvin S. Hawkins
Council Member Jolene Ivey
Council Member Rodney Streeter
Council Member Deni Taveras

*Also Present: Stan Brown, People's Zoning Counsel
Robert J. Williams, Jr., Council Administrator
Rajesh Kumar, Principal Counsel to the District Council
Donna J. Brown, Clerk of the Council
Leonard Moses, Zoning Assistant, Office of the Clerk
James Walker-Bey, Zoning Reference Aide, Office of the Clerk*

*M-NCPPC
Adam Bossi, Development Review Division
Bryan Barnett-Woods, Transportation Section
Henry Zhang, Development Review Division*

INVOCATION

The Invocation was provided by Mr. Howard Stone, County Employee. Council Vice Chair Hawkins requested prayer for the County Police Department and the loss of Corporal Danita Ingram who passed away last week and all first responders and health officials who are dealing with COVID-19.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Streeter.

APPROVAL OF DISTRICT COUNCIL MINUTES[MINDC_02242020](#)**District Council Minutes dated February 24, 2020**

A motion was made by Council Member Davis, seconded by Council Member Streeter, that these Minutes be approved. The motion carried by the following vote:

Aye: 8 - Turner, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey and Streeter

Absent: Anderson-Walker, Franklin and Taveras

Attachment(s): [02-24-2020 District Council Minutes DRAFT](#)

ORAL ARGUMENTS[CSP-18003](#)**Calm Retreat**

Applicant(s): Calm Retreat, LLC

Location: Located at 15111 and 15207 US 301 (Robert Crain Highway), approximately 1,900 feet north of its intersection with Chadds Ford Drive (72.10 Acres; M-X-T Zone).

Request: Requesting approval of a Conceptual Site Plan (CSP) for development of 550-650 one-family, attached (townhouse) dwelling units; 100-200 two-family, attached dwelling units; and 10,000-20,000 square feet of commercial/retail uses.

Council District: 9

Appeal by Date: 12/26/2019

Review by Date: 1/30/2020

Action by Date: 3/30/2020

Comment(s): Although Planning Board's decision regarding CSP-18003 was transmitted to all persons of record on November 26, 2019. The application case file was returned to the Planning Board to comply with State Ethics Law. The case was retransmitted to the District Council after compliance on December 5, 2019.

History:

Adam Bossi, M-NCPPC, provided an overview of the Conceptual Site Plan application along with Bryan Barnett-Woods and Henry Zhang, M-NCPPC, who responded to questions related to transportation, pedestrian connection networks, open space and tree preservation.

Matthew Tedesco, Esq., attorney for the applicant, along with Matt Ballard spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council took this case under advisement.

This Conceptual Site Plan hearing was held and the case was taken under advisement.

Attachment(s): [CSP-18003 Planning Board Resolution 19-125](#)
 CSP-18003_PORL
[CSP-18003 Technical Staff Report](#)

ORAL ARGUMENTS (Continued)

CDP-1201-01

Brandywine Village

Applicant(s): Brandywine Partners, LLC

Location: Located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive, east of General Lafayette Boulevard (44.33 Acres; L-A-C Zone).

Request: Requesting approval of a Comprehensive Design Plan for an increase of 2,000 square feet from the previously approved 218,500 square feet of commercial/retail space, to a total of 220,500 square feet, and to add a new location of a commercial building.

Council District: 9

Appeal by Date: 1/9/2020

Review by Date: 1/30/2020

Action by Date: 3/30/2020

History:

Henry Zhang, M-NCPPC, provided an overview of the Comprehensive Design Plan application. Arthur Horne, Esq., attorney for the applicant, spoke in support on behalf of the applicant. Stan Brown, People's Zoning Counsel, provided an overview of the case and commented on the factual and legal arguments presented. The Oral Argument Hearing was held and Council referred this item to staff for preparation of an approving order with conditions in accordance with the Planning Board's decision.

This Comprehensive Design Plan hearing was held; subsequently, a motion was made by Council Member Harrison, seconded by Council Member Davis, that this Comprehensive Design Plan be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [CDP-1201-01 Planning Board Resolution 9-124](#)
 CDP-1201-01_PORL
[CDP-1201-01 Technical Staff Report](#)

REFERRED FOR DOCUMENT**DSP-19039****NSR Properties**

- Applicant(s):** NSR Properties, LLC
- Location:** Located in the southwest quadrant of the intersection of MD 410 (East West Highway) and Belcrest Road (0.86 Acres; M-U-I / T-D-O Zones).
- Request:** Requesting approval of a Detailed Site Plan (DSP) for an amendment to the list of allowed uses to permit a new gas station on the subject property. Construction of site improvements for a new gas station, drive-up automated teller machine (ATM), and 9,592-square-foot building to include a food and beverage store and office use.
- Council District:** 2
- Appeal by Date:** 2/13/2020
- Action by Date:** 3/23/2020
- Comment(s):** Mandatory Review:
District Council review of this case is required by Section 27-548.09.01 (b) of the Zoning Ordinance.
- Municipality:** City of Hyattsville

History:

Council adopted the prepared Order of approval with conditions in accordance with the applicant's request (Vote: 11-0).

A motion was made by Council Member Taveras, seconded by Council Member Davis, that this Detailed Site Plan be approved with conditions. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

- Attachment(s):** [DSP-19039 Planning Board Resolution 19-137](#)
[DSP-19039 Corrected Planning Board Resolution](#)
 DSP-19039_PORL
[DSP-19039 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION**A-10050****Bowman Property**

Applicant(s): Roma S. Bowman Living Trust, et al; and Marsha J. Bowman Living Trust

Location: Located on the south side of Prince George's Avenue, 4935 and 4937 Prince George's Avenue, Beltsville, Maryland (1.0255 Acres; R-R / R-10 Zones).

Request: Requesting approval of a Zoning Map Amendment to rezone approximately 33,502-square-feet of R-10 (Multifamily High Density Residential) zoned land to the C-S-C (Commercial Shopping Center) Zone.

Council District: 1

Appeal by Date: 10/28/2019

Action by Date: 3/25/2020

Opposition: None

History:

Council referred item to staff for preparation of an approving document, with conditions (Vote: 11-0).

A motion was made by Council Member Dernoga, seconded by Vice Chair Hawkins, that this Zoning Map Amendment be referred for document. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [A-10050 ZHE Decision](#)
A-10050 Bowman PORL
[A-10050 Technical Staff Report](#)

ITEM(S) FOR DISCUSSION (Continued)**ROW-12790****Cherry Associates, Limited Partnership/Janjer Enterprises, Inc.**

Applicant(s): Cherry Associates, Limited Partnership/Janjer Enterprises, Inc.
Location: Located in the southeastern quadrant of the intersection of Old Fort Road South and Indian Head Highway (MD 210) (0.545 Acres; C-S-C zone).
Request: Requesting approval for to authorize the issuance of permits (5920-2018-CCGN and 4494-2018-G) for C-S-C (Commercial Shopping Center) zoned property within the proposed right-of-way for Indian Head Highway (MD 210).

Council District: 9

Appeal by Date: 11/4/2019

Action by Date: 4/2/2020

History:

Council referred item to staff for preparation of a disapproving document (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Harrison, seconded by Council Member Davis, that this Authorization to Build in the Right of Way be referred for document.

The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

Attachment(s): [ROW-12790 ZHE Decision](#)

ROW -12790 PORL

PENDING FINALITY

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(a) ZONING HEARING EXAMINER**SE-4811****Contee Estate Assisted Living, LLC. / Marie Abayomi-Cole**

Applicant(s): Contee Estate Assisted Living, LLC. / Marie Abayomi-Cole

Location: Located on the south side of Veronica Lane, approximately 200 feet southeast of its intersection with Contee Road also identified as 7111 Veronica Lane, Laurel, Maryland 20707 (1.32 Acres; R-R Zone).

Request: Requesting approval of a Special Exception (SE) for a Congregate Living Facility to serve up to sixteen (16) residents in a 7,431-square-foot single-family detached dwelling on approximately 1.32 acres of land in the R-R (Rural Residential) Zone.

Council District: 1

Appeal by Date: 3/16/2020

Review by Date: 3/16/2020

Action by Date: 7/13/2020

Opposition: Jennifer Krochmal, et. al.

History:

Council elected to make the final decision on this item (Vote: 10-0; Absent: Council Member Franklin).

A motion was made by Council Member Dernoga, seconded by Council Member Glaros, that council elect to make the final decision on this Special Exception. The motion carried by the following vote:

Aye: 10 - Turner, Anderson-Walker, Davis, Dernoga, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Absent: Franklin

Attachment(s): [SE-4811 ZHE Decision](#)
SE-4811 PORL
[SE-4811 Technical Staff Report](#)

In the event the District Council elects to make the final decision in this case, an oral argument will be scheduled pursuant to Sec. 27-131 of the Zoning Ordinance.

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(b) PLANNING BOARD**[CDP-0501-02](#)****Parkside**

Applicant(s): SHF Project Owner, LLC

Location: Located approximately 3,000 feet east of the intersection of Westphalia Road and MD 4 (Pennsylvania Avenue) (757 Acres; L-A-C / R-M Zones).

Request: Requesting approval of a Comprehensive Design Plan (CDP) to amend Condition 25 of the Prince George's County District Council's Order approving Comprehensive Design Plan CDP-0501, as it relates to the timing for commercial development in the Local Activity Center (L-A-C) zoned portion of the property.

Council District: 6

Appeal by Date: 3/26/2020

Review by Date: 3/26/2020

History:

Council deferred this item to March 23, 2020.

This Comprehensive Design Plan was deferred.

Attachment(s): [CDP-0501-02 Planning Board Resolution 20-12](#)

[CDP-0501-02_PORL](#)

[CDP-0501-02 Technical Staff](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision or an appeal is filed.

(b) PLANNING BOARD (Continued)**[CSP-18007](#)****Hope Village Center**

Applicant(s): VMD-Upper Marlboro, LLC

Location: Located in the southeast corner of the intersection of MD 223 (Woodyard Road) and Marlboro Pike (37.59 Acres; M-X-T / M-I-O Zones).

Request: Requesting approval of a Conceptual Site Plan (CSP) for a mixed-use development with 38 single-family, attached residential units and 181,950 square feet of commercial and institutional uses, including a hotel, gas station, assisted living facility, and church.

Council District: 9

Appeal by Date: 4/2/2020

Review by Date: 4/2/2020

History:

Council deferred this item to March 23, 2020.

This Conceptual Site Plan was deferred.

Attachment(s): [CSP-18007 Planning Board Resolution 2020-19](#)

[CSP-18007_PORL](#)

[CSP-18007 Technical Staff Report](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(c) PLANNING BOARD'S REPRESENTATIVE**CNU-51699-2019-U** **13561 Baltimore Avenue**

Applicant(s): April Mackoff

Location: Located on Baltimore Avenue in the southeast quadrant of the intersection of Baltimore Avenue and Contee Road, 13561 Baltimore Ave, Laurel, MD 20707 (2.6230 Acres; C-M Zone).

Request: Requesting Certification of Nonconforming Use for an existing outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016. It requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1984.

Council District: 1

Review by Date: 4/3/2020

History:

Council waived election to review for this item (Vote: 11-0).

A motion was made by Council Member Dernoga, seconded by Council Member Glaros, that Council waive election to review for this Certification of a Nonconforming Use. The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [CNU-51699-2019-U File Materials](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(c) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-55255-2019-U](#)**3200 Kenilworth Avenue**

Applicant(s): April Mackoff

Location: Located on the west side of Kenilworth Avenue at its intersection with 52nd Avenue, 3200 Kenilworth Avenue, Hyattsville, Maryland 20781 (1.73 Acres; I-2 Zone).

Request: Requesting Certification of Nonconforming Use for an existing outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016. It requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1986.

Council District: 5

Review by Date: 4/3/2020

History:

Council waived election to review for this item (Vote: 11-0).

A motion was made by Council Member Ivey, seconded by Council Member Davis, that Council waive election to review for this Certification of a Nonconforming Use.

The motion carried by the following vote:

Aye: 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

Attachment(s): [CNU-55255-2019-U File Materials](#)

PENDING FINALITY (Continued)

The following decisions will become final unless the District Council elects, BY MAJORITY VOTE, to make the final decision.

(c) PLANNING BOARD'S REPRESENTATIVE (Continued)[CNU-56955-2019-U](#)**7136 Brick Kiln Circle****Applicant(s):** April Mackoff**Location:** Located on the east side of Baltimore Avenue approximately 740 feet northeast of its intersection with Muirkirk Road, 7136 Brick Kiln Circle, Beltsville, Maryland 20705 (0.1090 Acres; I-2 Zone).**Request:** Requesting Certification of Nonconforming Use for an existing outdoor advertising sign. Certification of existing outdoor advertising signs is required pursuant to Council Bill 84-2016. It requires that applications for the certification of outdoor advertising signs in existence as of January 1, 2002, be filed no later than December 31, 2021. This outdoor advertising sign was erected in 1987.**Council District:** 1**Review by Date:** 4/3/2020**History:***Council waived election to review for this item (Vote: 11-0).***A motion was made by Council Member Dernoga, seconded by Council Member Davis, that this Certification of a Nonconforming Use be adopted. The motion carried by the following vote:****Aye:** 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras**Attachment(s):** [CNU-56955-2019-U](#)**11:49 AM ADJOURN**[ADJ18-20](#)**ADJOURN****History:***The District Council meeting was adjourned at 11:49 a.m. (Vote 11-0).***A motion was made by Council Member Glaros, seconded by Vice Chair Hawkins, that this meeting be adjourned. The motion carried by the following vote:****Aye:** 11 - Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Streeter and Taveras

1:00 PM MEET AND GREET - (ROOM 2027)

This meet and greet started at 1:18 p.m. and concluded at 2:40 p.m.

Prince George's Chamber of Commerce

Prepared by:

Leonard Moses, Zoning Assistant

Submitted by:

Donna J. Brown, Clerk of the Council

DRAFT